

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

CARLOS NELSON

PLAINTIFF

V.

NO. 3:09-CV-00063 GTE

**TIMOTHY L. DEAN and
ARKANSAS STATE UNIVERSITY**

DEFENDANTS

ORDER

Before the Court is a Motion to Dismiss filed by Defendants Timothy Dean and Arkansas State University. For cause, Defendants state that more than 120 days have passed since the filing of the Complaint on February 4, 2009, and neither Defendant has been served with process. The Court has been advised by counsel for Plaintiff that he does not intend to file a response opposing the motion.

Following a review of the motion papers and the record in this case, the Court concludes that it must dismiss this action pursuant to Fed. R. Civ. P. 4(m). Accordingly,

IT IS HEREBY ORDERED THAT Defendants' Motion to Dismiss (Doc. No. 7) be, and it is hereby, GRANTED. The Complaint in this matter is hereby DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 19th day of June, 2009.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE